

Underground Injection into Non-exempt Aquifers – Joint DOGGR & Water Boards Proposal

The following actions will be implemented through enforceable orders with firm deadlines.

1. Disposal into less than 3,000 ppm TDS
 - a. No new disposal well permitted
 - b. Existing disposal wells
 - i. If potentially impacting water supply wells – order shut in as identified
 - ii. If no water supply wells within a mile – cease discharge within 6 months
 2. Disposal into 3,000 to 10,000 ppm TDS
 - a. If aquifer meets criteria for exemption:
 - i. Conditionally allow new wells that are part of existing project. Exemption within 24 months.
 - ii. Existing wells allowed to continue for up to 24 months to get exemption approved.
 - b. If aquifer does not meet criteria:
 - i. No new wells.
 - ii. Existing wells cease discharge within 12 months
 3. Complete exemptions within 24 months
 4. Discharges or enhanced oil recovery into hydrocarbon zone* allowed while getting exemption approved within 24 months.
 5. In this proposal the 11 aquifers identified in the 1985 Covington letter are treated as provisionally exempt. The Water Boards and DOGGR will work with US EPA to re-evaluate these aquifers to determine whether (1) the aquifer clearly meets US EPA's requirements for exemption, and (2) the Water Boards determine that the aquifer does not have existing or potential beneficial uses. The re-evaluation and subsequent decision will be completed within 36 months. At that point, the aquifers, or any portion of the aquifers, that do not retain an exemption will follow the requirements of 1.a or 1.b, above.
- It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible (CFR § 146.4)

December 9, 2014